

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7288**

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IN RE: WALTER LOUIS INGRAM,

Petitioner.

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On Petition for Writ of Mandamus.  
(CA-04-2152-JFM; CR-92-116)

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Submitted: September 16, 2004                      Decided: September 24, 2004

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Before LUTTIG, KING, and DUNCAN, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Walter Louis Ingram, Petitioner Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Walter Louis Ingram petitions for writ of mandamus. He seeks an order directing the district court to grant relief on his 28 U.S.C. § 2255 (2000) motion.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Assn., 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Ingram is not available by way of mandamus. Accordingly, although we grant Ingram's leave to proceed in forma pauperis, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED